

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 30, 2004

D044330 Blanca V. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. McDonald, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D043774 People v. Barnes

The judgment is modified by increasing credits from 127 days to 128 days. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. McIntyre, J.; We Concur: Haller, Acting P.J., Irion, J.

D041163 Ebert v. Beals et al.

The judgment is reversed. Appellant shall have costs on appeal. Irion J.; We Concur: Nares, Acting P.J., Aaron, J.

D040335 Ebert v. Hurst et al.

The judgment is reversed. Appellant shall have costs on appeal. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D038550 People v. Casper

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

D044827 In re Taylor on Habeas Corpus

The petition is denied.

D044930 Landers v. Superior Court of San Diego County/Yurcho

The petition is denied.

D044863 In re Anderson on Habeas Corpus

The petition is denied.

D044835 In re Taylor on Habeas Corpus

The petition is denied.

D044864 In re Bravo on Habeas Corpus

The petition is denied without prejudice to petitioner filing a subsequent petition in the appropriate court should he consider it necessary after disposition of the appeal. The clerk is directed to provide a copy of the petition and exhibits to petitioner's appellate counsel.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 31, 2004

D042309 People v. Mu

The judgment is affirmed. Huffman, J.; We Concur: McConnell, J., McIntyre, J.

D042870 Baily et al. v. Teemsma et al.

The judgment is reversed and the matter is remanded with directions that the trial court vacate its order granting Defendants' motion for summary judgment and enter a new order denying that motion. Plaintiffs shall recover their costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D042059 Huff v. Holman et al./City Events Staff Services Inc., et al.

The trial court's order granting City Events and San Diego Stage's, Falkquay's and Roach's special motions to strike Huff's complaint is affirmed. That portion of the court's order denying Hammond's and the Read defendants' special motions to strike Huff's complaint is reversed. The trial court is ordered to enter a new order granting Hammond's and the Read defendants' special motions to strike. Huff is to bear costs on appeal. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D041547 Gregg et al. v. Baker & McKenzie et al.

The opinion filed August 10, 2004 is modified, there is no change in the judgment. The petitions for rehearing are denied.

D039816 Goehring et al. v. Chapman University

The petition for rehearing is denied.

D043873 Masters v. Alameida

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

D044391 Adrian P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Irion, J.; We Concur: McConnell, P.J., Haller, J.

D041780 Enrique M. v. Angelina V.

The order is reversed and remanded with directions that the trial court reconsider Enrique's requests, applying the best interest test. Enrique is awarded costs on appeal. CERTIFIED FOR PUBLICATION Aaron, J.; We Concur: McConnell, P.J., O'Rourke, J.

D041094 Mendoza v. Mendoza

The order is affirmed. Irion, J.; We Concur: O'Rourke, Acting P.J., Aaron, J.

D041927 Hector et al. v. Trien

The modified judgment is affirmed as to the award of \$72,246 in favor of the Hectors. The parties are to bear their own costs on appeal. Aaron, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D044946 Winston v. Superior Court of San Diego County/People

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 31, 2004
(Continued)

D042149 Hargis v. Metabolife International, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D044905 Strode v. Superior Court of San Diego County/Citicapital Commercial Corporation et al.

The petition is denied.

D044900 City of Yuma et al. v. Superior Court of San Diego County/Cruz et al.

The petition is denied.

D044948 Winston v. Superior Court of San Diego County/People

The petition is denied.

D044807 State Farm Life Insurance Company v. Renko/Covington et al.

The petition is denied. The stay issued August 20, 2004 is vacated.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 1, 2004

D042091 People v. Norris

The judgment is affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

D044195 In re Noah M., a Juvenile

The order is affirmed. McDonald, J.; We Concur: McConnell, P.J., Irion, J.

D044089 In re Adam G., a Juvenile

The judgment is affirmed. The matter is remanded to the juvenile court with directions to declare expressly whether the offenses are misdemeanors or felonies and, if it declares either offense to be a misdemeanor, to recalculate the maximum period of confinement. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

D044069 In re N.J., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., McDonald, J.

D043515 People v. Stennis

The judgment is affirmed. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D043333 In re Desiny P. et al., a Juvenile

It is ordered that the opinion filed on August 3, 2004, be modified. No change in judgment.

D043311 People v. Smith

The petition for rehearing is denied.

D043458 Lee et al. v. Fairbanks Highlands Maintenance Association et al.

The order granting the respondents' special motion to strike the cross-claims against them and the judgments resulting therefrom are reversed. The matter is remanded with directions for the superior court to vacate that order and those judgments and to enter a new order denying the special motion to strike in its entirety. The Lees are awarded their costs on appeal. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044817 Berenice L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Berenice L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041461 Dunnum v. Eastman et al.

The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 2, 2004

D042215 People v. Ochoa

The judgment of conviction is modified to identify the conviction on count 5 as one for assault with the intent to commit rape in violation of Penal Code section 220 and to identify the conviction on count 6 as one for assault by means of force likely to produce great bodily injury in violation of Penal Code section 245, subdivision (a)(1)). The judgment, as so modified, is affirmed. The trial court is directed to amend the abstract of judgment and forward a copy to the Department of Corrections. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

D043197 People v. Hammer

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

D042407 People v. Cousins

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 3, 2004

D044814 Hanig et al. v. Superior Court of San Diego County/Qualcomm Incorporated
The petition is denied.

D044815 Hanig et al. v. Superior Court of San Diego County/Qualcomm Incorporated
The petition is denied.

D043725 Property Owners of Whispering Palms, Inc. v. Cavanaugh
Appellant has failed to file a brief after notice given pursuant to Cal. Rules of Court, rule 17(a). The appeal is dismissed.

D043746 In re the Marriage of Lawlor
Appellant has failed to file a brief after notice given pursuant to Cal. Rules of Court, rule 17(a). The appeal is dismissed.